

**[IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA]**

**IN RE: GENERIC  
PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**MDL 2724  
16-MD-2724**

**HON. CYNTHIA M. RUFE**

**THIS DOCUMENT RELATES TO:**

**ALL ACTIONS**

**NOTICE OF SUGGESTION ON PENDENCY OF BANKRUPTCY FOR  
AKORN, INC., *ET AL.*, AND AUTOMATIC STAY OF PROCEEDINGS**

**PLEASE TAKE NOTICE** that, on May 20, 2020, Akorn, Inc. and certain of its subsidiaries, including but not limited to Akorn, Sales, Inc., Hi-Tech Pharmacal Co., Inc., and VersaPharm, Inc., (collectively, the “Debtors”<sup>1</sup>), filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101—1532 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). The Debtors’ chapter 11 cases are pending before the Honorable Judge Karen B. Owens, United States Bankruptcy Judge, and are being jointly administered under the lead case *Akorn, Inc.*, Case No. 20-11177 (KBO) (the “Chapter 11 Cases”). A copy of the notice of commencement is attached hereto as **Exhibit A**.

**PLEASE TAKE FURTHER NOTICE** that pursuant to section 362(a) of the Bankruptcy Code, the Debtors’ filing of their respective voluntary petitions gives rise to a stay,

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<sup>1</sup> The Debtors, along with the last four digits of each Debtor’s federal tax identification number, if any, are: Akorn, Inc. (7400); 10 Edison Street LLC (7890); 13 Edison Street LLC; Advanced Vision Research, Inc. (9046); Akorn (New Jersey), Inc. (1474); Akorn Animal Health, Inc. (6645); Akorn Ophthalmics, Inc. (6266); Akorn Sales, Inc. (7866); Clover Pharmaceuticals Corp. (3735); Covenant Pharma, Inc. (0115); Hi-Tech Pharmacal Co., Inc. (8720); Inspire Pharmaceuticals, Inc. (9022); Oak Pharmaceuticals, Inc. (6647); Olta Pharmaceuticals Corp. (3621); VersaPharm Incorporated (6739); VPI Holdings Corp. (6716); and VPI Holdings Sub, LLC.

applicable to all entities, of, among other things: (a) the commencement or continuation of any judicial, administrative, or other action or proceeding against the Debtors (i) that was or could have been commenced before the commencement of the Chapter 11 Cases or (ii) to recover a claim against the Debtors that arose before the commencement of the Chapter 11 Cases; (b) the enforcement, against any of the Debtors or against any property of each of the Debtors' bankruptcy estates, of a judgment obtained prior to the commencement of the Chapter 11 Cases; and (c) any act to obtain possession of property of or from any of the Debtors' bankruptcy estates, or to exercise control over property of any of the Debtors' bankruptcy estates.<sup>2</sup> No order has been entered in the Chapter 11 Cases granting relief from the automatic stay.

**PLEASE TAKE FURTHER NOTICE** that pleadings filed in the Chapter 11 Cases may be obtained free of charge by visiting the website of Kurtzman Carson Consultants LLC ("KCC") at <http://www.kccllc.net/akorn>. Further information may be obtained by calling KCC toll free at (877) 725-7539 (U.S. and Canada) or (424) 236-7247 (International). You may also obtain copies of any pleadings by visiting the Court's website at <http://www.deb.uscourts.gov> (PACER login and password required) in accordance with the procedures and fees set forth therein.

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<sup>2</sup> Nothing herein shall constitute a waiver of the Debtors' rights to assert any claims, counterclaims, defenses, rights of setoff or recoupment, or any other claims against any party to the above-captioned case. The Debtors expressly reserve all rights to contest any claims that may be asserted against the Debtors.

Dated: May 22, 2020

Respectfully Submitted,

By: /s/Amy D. Fitts

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*Attorneys for Defendants Akorn, Inc., Akorn  
Sales, Inc., Hi-Tech Pharmacal Co., Inc., and  
VersaPharm, Inc.*

**Certificate of Service**

I certify that a true and correct copy of the foregoing Notice of Suggestion of Bankruptcy was served on May 22, 2020 by the Court's electronic filing system to all counsel of record in the above captioned action.

/s/Amy D. Fitts

**EXHIBIT A**

**Notice of Commencement**

**Information to identify the cases:**Debtors: Akorn, Inc., *et al.*

EIN: 72-0717400

United States Bankruptcy Court District of Delaware

Case Number: 20-11177 (KBO) (Jointly Administered)

Date cases filed for chapter 11: May 20, 2020

Official Form 309F (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Cases

12/17

For the debtors listed above, cases have been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the cases for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the cases imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from the debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the cases may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)) or at the website maintained by the Debtors' noticing and claims agent, Kurtzman Carson Consultants LLC (KCC) at <https://www.kccllc.net/akorn>.

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the cases.**

Valid Picture ID is required for access to the J. Caleb Boggs Federal Building. Additionally, Debtor(s) must also present photo ID plus original verification of his/her social security number to the Bankruptcy Trustee. If you do not have a photo ID and/or original verification of your social security number, please contact the Office of the United States Trustee's (302-573-6491).

**1. Full Name of Each Debtor:****Jointly Administered Cases**

DEBTOR	ADDRESS	CASE NO.	EIN #
Akorn, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11177	72-0717400
10 Edison Street LLC	369 Bayview Avenue Amityville, New York	20-11178	N/A
13 Edison Street LLC	369 Bayview Avenue Amityville, New York	20-11180	N/A
Advanced Vision Research, Inc.	2929 Plymouth Road, Suite 275 Ann Arbor, Michigan 48105	20-11182	04-2989046
Akorn (New Jersey), Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11183	36-4301474
Akorn Animal Health, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11185	46-2986645

Debtor: Akorn, Inc., *et al.*

Case Number: 20-11177 (KBO)

DEBTOR	ADDRESS	CASE NO.	EIN #
Akorn Ophthalmics, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11186	45-3466266
Akorn Sales, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11174	46-4527866
Clover Pharmaceuticals Corp.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11187	26-3813735
Covenant Pharma, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11188	20-1140115
Hi-Tech Pharmacal Co., Inc.	369 Bayview Avenue Amityville, New York	20-11189	11-2638720
Inspire Pharmaceuticals, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11190	04-3209022
Oak Pharmaceuticals, Inc.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11192	45-2776647
Olta Pharmaceuticals Corp.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11191	26-3813621
VersaPharm Incorporated	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11194	58-2146739
VPI Holdings Corp.	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11193	26-1356716
VPI Holdings Sub, LLC	1925 W. Field Court, Suite 300 Lake Forest, Illinois 60045	20-11195	N/A

## 2. All other names used in the last 8 years:

Current Entity Name	Former Names
Akorn, Inc.	Trade names: Akorn Pharmaceuticals; Taylor Pharmaceuticals
Advanced Vision Research, Inc.	Prior Names: AVR Business Trust; Advanced Vision Pharmaceuticals, LLC  Trade Name: TheraTears, Akorn Consumer Health
Hi-Tech Pharmacal Co., Inc.	Prior Name: Akorn Enterprises, Inc.

## 3. Address: See Chart Above

**Debtor: Akorn, Inc., et al.****Case Number: 20-11177 (KBO)****4. Debtors' Proposed Counsel**

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- and -

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 steele@rlf.com  
 shapiro@rlf.com  
 haywood@rlf.com

**Debtors' Notice and Claims Agent**

Kurtzman Carson Consultants LLC (KCC)  
 Telephone: (877) 725-7539 (toll free) or (424) 236-7447 (international)  
 Website: <https://www.kccllc.net/akorn>  
 If you have questions about this notice, please contact KCC via online inquiry through the above website.

**5. Bankruptcy clerk's office**

Documents in these cases may be filed at this address.

**824 Market Street, 3rd Floor  
 Wilmington, Delaware 19801**

**Hours open: Monday – Friday  
 8:00 AM (ET) – 4:00 PM (ET)  
 Contact phone 302-252-2900**

You may inspect all records filed in these cases at this office or online at either [www.pacer.gov](http://www.pacer.gov) or <https://www.kccllc.net/akorn>

**6. Meeting of creditors**

The debtors' representative must attend the meeting to be questioned under oath.

**No meeting has been set. If a deadline is set, notice will be sent at a later time.**

Creditors may attend, but are not required to do so.

**Location:  
 J. Caleb Boggs Federal Building  
 844 King Street, Room 3209,  
 Wilmington, Delaware 19801**

**7. Proof of claim deadline**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be filed either electronically or as a paper document.

**No deadline for filing proof of claim has been set. If a deadline is set, notice will be sent at a later time.**

For more information on how to file a proof of claim, visit the Delaware Bankruptcy Court's website at: <http://www.deb.uscourts.gov/claims-information>, KCC's website at <https://www.kccllc.net/akorn>, or any bankruptcy clerk's office.

**8. Exception to discharge deadline**

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

**No deadline for filing the complaint has been set. If a deadline is set, notice will be sent at a later time.**

**Debtor: Akorn, Inc., et al.**

**Case Number: 20-11177 (KBO)**

**9. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in these cases.

**10. Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtors will remain in possession of their property and may continue to operate their business.

**11. Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtors except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

**If you have questions about this notice,  
please call (877) 725-7539 (toll free) or  
(424) 236-7447 (international) or visit  
<https://www.kccllc.net/akorn>**